



Appellant-defendant Michael White appeals his conviction for Domestic Battery,<sup>1</sup> a class A misdemeanor. Specifically, White contends that there is insufficient evidence supporting his conviction because of a thirty-minute delay between the altercation and the victim's emergency call to police. Concluding that the evidence was sufficient, we affirm the judgment of the trial court.

### FACTS

On November 23, 2005, Ebony Thomas drove to White's home with their two-year-old son in the vehicle. Thomas's purpose was to collect child support payments from White, but when White entered the vehicle and attempted to give her fifteen dollars, Thomas refused to accept the money because she was expecting a larger payment. An argument ensued, and White grabbed Thomas by the neck and struck her face, leaving multiple bruises and scratches. Thomas exited the vehicle in search of a defensive weapon. White followed her and again struck her face, leaving cuts above her left eye. White fled the scene, and Thomas called 911 when she arrived home thirty minutes later.

As a result of this incident, White was charged with Count I, domestic battery, and Count II, battery, both class A misdemeanors. A bench trial was held on February 2, 2005, and White was convicted on both counts. The trial court merged Count II into Count I and sentenced White to a suspended sentence of 351 days. He now appeals.

### DISCUSSION AND DECISION

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<sup>1</sup> Ind. Code § 35-42-2-1.3.

The standard of review for sufficiency claims is well settled. In addressing White's challenge we neither reweigh the evidence nor reassess the credibility of witnesses. Sanders v. State, 704 N.E.2d 119, 123 (Ind. 1999). Instead, we consider the evidence most favorable to the verdict and draw all reasonable inferences supporting the ruling below. Id. We affirm the conviction if there is probative evidence from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt. O'Connell v. State, 742 N.E.2d 943, 949 (Ind. 2001). A conviction may be sustained wholly on circumstantial evidence if such evidence supports a reasonable inference of guilt. Maul v. State, 731 N.E.2d 438, 439 (Ind. 2000).

White admits that he and Thomas have a son together. Therefore, to convict White of class A misdemeanor domestic battery, the State was required to prove beyond a reasonable doubt that White knowingly or intentionally touched Thomas in a rude, insolent, or angry manner resulting in bodily injury. I.C. § 35-42-2-1.3. At trial, Thomas testified that White grabbed her by the neck and hit her face, and when she exited the vehicle he pursued her and hit her face again. Tr. 9-12, 16. At trial, the State entered into evidence photographs of Thomas's wounds from the altercation, and the pictures portray multiple bruises, scratches, and cuts to Thomas's face and neck. Ex. 1-4. Such evidence is sufficient to sustain White's conviction for domestic battery. See, e.g., Davis v. State, 796 N.E.2d 798, 805 (Ind. Ct. App. 2003) (upholding defendant's conviction for domestic battery when evidence admitted at trial established that defendant grabbed, choked, and struck victim).

White argues that his conviction should be reversed because Thomas waited until

thirty minutes after the incident to call the police and report the altercation. However, temporal proximity between the altercation and the victim's call for help is not an element of domestic battery. See I.C. § 35-42-2-1.3. While White argues that another person could have injured Thomas during the thirty-minute delay, this is an invitation for us to reweigh the evidence and assess the credibility of the witnesses—an invitation we decline. The State proved beyond a reasonable doubt that White knowingly or intentionally touched Thomas in a manner that violated the domestic battery statute. Thus, White's challenge to his conviction fails.

The judgment of the trial court is affirmed.

VAIDIK, J., and CRONE, J., concur.